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International Court of Justice

H3980 - 0002

OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

Date : 9 August 1948

I certify that Document Number D-866 was introduced into evidence as Exhibit Number GB-459 in the Trial by the International Military Tribunal of Hermann GOERING, et al, which commenced on 20 November 1945, and that the attached photostat is a true and correct copy of the original.

Fred Niebergall

Fred NIEBERGALL
Chief, Document
Control Branch.

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# C E R T I F I C A T E

I hereby certify that the annexed document D-866 No. GB-459 is a photostat of an original document submitted in evidence by the British Prosecution under this number. The original document has been withdrawn in accordance with Rule 10 of the International Military Tribunal, and to the best of my knowledge and belief is to be held at the National Archives, Washington D.C.

Paul Joosten

PAUL A. JOOSTEN

General Secretary
International Military Tribunal

Nuremberg, 9 August 1948

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Certificate No. 866 (Place) Nürnberg

(Date) 14 May, 1946

## CERTIFICATE.

I, Kenneth H. M. Duke, Major, British Army, of the British War Crimes Executive (European Section), hereby certify that the attached document, consisting of two ~~typewritten*~~ ~~photostated~~ mimeographed ~~handwritten~~ pages and entitled Extracts from the Testimony of Karl Doenitz, taken at Nuremberg, Germany on the dated 22 Oct 1945,† is ~~the original*~~ a true copy of a document which the O.C.C. Interrogation Division‡ delivered to me in my above capacity, in the usual course of official business, ~~as the original* a true copy of a document found in German archives, records and files captured by military forces under the command of the Supreme Commander, Allied Expeditionary Forces.~~

Kenneth H. M. Duke
Major

* Strike out inapplicable words.

† If no title and date to document, use some brief description relating to subject-matter sufficient to serve as identification. For example, "relating to Persecution of Jews at Dachau," giving date of document, if any.

‡ Name of Agency from which received.

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INTERNATIONAL MILITARY TRIBUNAL
NURNBERG, GERMANY
U.S. Exhibit 459
May 14 Filed 1946

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Extracts from the Testimony of Karl Doenitz, taken at Nuremberg, Germany on 22 October 1945, 1030 - 1130 by Lt. Col. Thomas S.Hinkel, IGD, OUSCC, Cmdr. John P.Bracken, USNR, and Lt. Mechael Reade, Rn. Also present: Mr. Bernard Reyman, Interpreter, and John Wm. Gunsser, Court Reporter.

Q. Do you consider this order to be contrary to the prize rules of the German Navy issued in the beginning of the war?

A. I had never given such an order in the years 1939, 1940, 1941 or 1942; never. I had never given this order if I hadn't had the Laconia incident, see. Then I saw the time coming when I had to give the order, "you are not allowed to go to the surface at day time at all". But I had the feeling after the incident, well that the boats had done too much; they were not divable. And because the boats had lost their task places, for myself I had a feeling to show them the contrary side of it, and I was quite clear about this being no practical situation, for these few submarines who were concerned. Goad and Hessler told me "Don't make this wireless, you see: one day there can be a wrong appearance about it; there can be a misinterpretation of that.

And then I told him that I must, I think, in the reality, take measures. I wished to prevent my submarines being bombed when they saved, and I must give them good reason for it. That was the whole thing of it, you see. This wireless had no significance at all. That's the reason why none of us remembered it. Two months later there were no submarines at all who came in the situation to get up. I am sure that no one, English or American men was not saved by that. I had to give it to prevent my submarines from being bombed at sea. That the Laconia showed me very clearly. That was the whole reason. And now you say that OKM said by this telegram he had attacked the boats. I can't understand it. There was never a discussion in the German submarine service about the thing which OKM done.

In 1939 and 1940, 1941, 1942, we were able to surface and we never did it, it was impossible. And then I gave such a telegram, an order not to save the people; you can't take them in the boats.

Q. Why did Goth and Hessler say this telegram might be subject to



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misinterpretation?

A. That's a very right question from your side. The misinterpretation is the political side of the thing, you see. The Nationals. They were quite sure nobody thought of a thing like that.

But these points why I am sitting now here and have to speak with you -- I couldn't think in 1942 that I would have to talk it over with you, you see. I only wish to tell the submarines the other side, you see. They had done too much. It is impossible to run away fifty miles without order, and it impossible to pack the people, two hundred people, on a submarine when the planes can come. It is impossible. You see that your bombs have not killed the submarines is good luck, in other words, which is one, two, three, four, five hundred people of yours in this incident. This was the whole situation. Thus I was under a great pressure. You see, I received an order by Adolf Hitler, "You are not allowed to risk the boats." That was military: it was quite right. Nobody could be made any reproach when I had broken off, after the experience that the boats are bombed. Nobody could do it. I did'nt do it because I couldn't break off. What should I do with all these poor people? And that was the reason why I made this wireless.



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